

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

EDUARDO JACOBS,

Plaintiff,

CASE NO. 15-10516  
HON. DENISE PAGE HOOD

v.

RAYMON ALAM, *et al.*,

Defendants.

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**ORDER REGARDING DEFENDANT’S MOTION TO STRIKE  
PLAINTIFF’S MOTION FOR A NEW TRIAL [#283] AND PLAINTIFF’S  
REQUEST TO SUBSTITUTE COUNSEL [#278]**

On December 3, 2019, the Court entered a jury verdict in favor of Defendants Raymon Alam, Damon Kimbrough, and David Weinman. [ECF No. 262] On December 31, 2019, Plaintiff Eduardo Jacobs (“Jacobs”) timely filed a Motion for a New Trial through his attorneys Norman Yatooma, Kassem Dakhallallah, and Mohamed Nehme.<sup>1</sup> [ECF No. 277] On January 8, 2020, Defendant Damon Kimbrough filed a Motion to Strike Plaintiff’s Motion for a New Trial. [ECF No. 283] Defendant asks the Court to strike Jacobs’ Motion for a New Trial on the grounds that Jacobs violated local rule 7.1 in not seeking concurrence prior

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<sup>1</sup> On January 2, 2020, Jacobs filed a Notice of Appeal [ECF No. 281] proceeding *pro se*.

to filing. [*Id.*] Alternatively, Defendant asks the Court to extend the time allowed to respond to Jacobs' Motion for a New Trial.

The Court **DENIES** Defendant's Motion to Strike, but **GRANTS** Defendant's alternative request to extend the time allowed to respond. "A response to a nondispositive motion must be filed within 14 days after service of the motion." Local Rule 7.1(e)(2)(B). Jacobs filed his Motion for a New Trial on December 31, 2019. Although Defendant did not request a specific amount of time for the extension, the Court extends Defendant's time to respond by seven days.<sup>2</sup> Defendants would normally be required to respond by Tuesday, January 14, 2020. Defendants must now file a Response by Tuesday, January 21, 2020. Jacobs' Reply to Defendants' Response will be due by January 31, 2020.

Jacobs' Request to Substitute Counsel [ECF No. 278] filed on January 2, 2020 is also before the Court. In his request, Jacobs indicated his intention to replace his counsel with himself. [*Id.*] Jacobs alleged that his attorneys are no longer representing his best interests. [*Id.*] The Local Rules provide that an attorney's appearance continues until entry of "a final order or judgment disposing of all claims by or against the party the attorney represents." E.D. Mich. LR 83.25(b). Counsel may withdraw or be substituted "for only on order of the court."

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<sup>2</sup> Although Defendants Raymon Alam and David Weinman did not request a time extension or concur in the request, the Court will also extend their time to file a Response by seven days.

*Id.* The Court **GRANTS** Jacobs' Request to Substitute Counsel and will allow him to proceed *pro se*. Because Jacobs has not withdrawn his attorney's Motion for a New Trial, the Motion is still before the Court. As noted above, Jacobs' Reply to Defendants' Response to Plaintiff's Motion for a New Trial is due by January 31, 2020, pursuant to Local Rule 7.1(e)(2)(C).<sup>3</sup>

Prior to filing his Request to Substitute, Jacobs filed a series of motions [ECF No. 264-269] filed on December 9, 2019, [ECF No. 264] December 10, 2019, [ECF No. 265 and ECF No. 266] December 11, 2019, and [ECF No. 268 and ECF No. 268] December 19, 2019. [ECF No. 269] The Court struck them because Jacobs filed them personally, instead of through his retained counsel. [ECF No. 275] These motions were filed before Jacobs' Motion to Substitute. Jacobs is now proceeding *pro se* and may refile those motions.

For the reasons set forth above,

IT IS HEREBY ORDERED that Defendant Damon Kimbrough's Motion to Strike Plaintiff's Motion for a New Trial [#283] is **DENIED**, but Defendants Damon Kimbrough, Raymon Alam, and David Weinman are **GRANTED** an extension of seven days to file a Response. Jacobs has a total of ten days to file a Reply, which will be due on January 31, 2020.

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<sup>3</sup> "If filed, a reply brief supporting a nondispositive motion must be filed within 7 days after service of the response." Local Rule 7.1(e)(2)(C).

IT IS FURTHER ORDERED that Jacobs' Request to Substitute Counsel  
[#278] is **GRANTED**. Attorneys Norman Yatooma, Kassem Dakhallallah, and  
Mohamed Nehme, are withdrawn as counsel and Eduardo Jacobs is permitted to  
proceed *pro se*.

DATED: January 10, 2020

s/Denise Page Hood  
DENISE PAGE HOOD  
Chief Judge